

**VIRGINIA BOARD OF NURSING
INFORMAL CONFERENCE COMMITTEE
December 10, 2009**

TIME AND PLACE: The meeting of the Informal Conference Committee of the Board of Nursing was convened at 9:05 A.M., on December 10, 2009, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Brenda Hale, R.N., Chairperson
Karen Schultz, M.B.A., Ph.D., Citizen Member

STAFF PRESENT: Gloria Mitchell, R.N., M.S.N., M.B.A. Deputy Executive Director

OTHERS PRESENT: Amanda Mitchell, Adjudication Specialist
Students from Sentara Nursing School, Registered Nurse Program

**CONFERENCES
SCHEDULED:** **Lisa R. Kabalan, L.P.N. 0002-059578**
Ms. Kabalan appeared, accompanied by her mother, Ms. Riddle.

CLOSED MEETING: Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:27 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Kabalan. Additionally, Dr. Schultz moved that Ms. G. Mitchell and Ms. A. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:40 A.M.

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved to issue an order of reprimand to Lisa Kabalan.
The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Kabalan unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Kabalan within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Lynne D. Driskell, L.P.N. 0002-077915

Ms. Driskell appeared, accompanied by her mother, Francis Christian.

CLOSED MEETING:

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:50 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Driskell. Additionally, Dr. Schultz moved that Ms. G. Mitchell and Ms. A. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 10:20 A.M.

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved to issue an order of reprimand to Lynne Driskell

The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Driskell unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Driskell within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

David K. Yount, R.N. Multistate Privilege (Texas License 719903)

Mr. Yount appeared.

CLOSED MEETING:

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:10 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Yount. Additionally, Dr. Schultz moved that Ms. G. Mitchell and Ms. A. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:38 A.M.

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved to offer David Yount a consent order for indefinite suspension of multi state privilege to practice in Virginia, with said suspension stayed contingent upon verification of Mr. Yount's entry into the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Mr. Yount and the Board.

CONFERENCES

SCHEDULED:

Rebecca L. Mullins, R.N. 0001-204452

Ms. Mullins appeared, accompanied by her cousin, Roberta Holt.

CLOSED MEETING:

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:55 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Mullins. Additionally, Dr. Schultz moved that Ms. G. Mitchell and Ms. A. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:48 P.M.

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CLOSED MEETING:

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:50 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Mullins. Additionally, Dr. Schultz moved that Ms. G. Mitchell and Ms. A. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:58 P.M.

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved to offer Rebecca Mullins a consent order for indefinite suspension of her professional nursing license with said suspension stayed contingent upon verification of Ms. Mullins remaining in compliance with the terms of the recovery monitoring contract with the Health Practitioners Monitoring Program.
The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Mullins and the Board.

CONFERENCES
SCHEDULED:

Douglass G. MacPherson, L.P.N. 0002-045560

Mr. MacPherson appeared, accompanied by Paul Hamilton, R.N., Nursing Supervisor; Peggy Butt, R.N., General Manager for Interim Healthcare.

CLOSED MEETING: Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 4:00 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. MacPherson.. Additionally, Dr. Schultz moved that Ms. G. Mitchell and Ms. A. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 4:10 P.M.

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved to close the case in the matter of Douglass MacPherson and impose no sanction due to insufficient evidence to warrant disciplinary action by the Board of Nursing.
The motion was seconded and carried unanimously.

CONFERENCES
SCHEDULED:

Erica Fowler, L.P.N. 0002-076587

Ms. Fowler did not appear.

CLOSED MEETING: Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 4:15 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Fowler.. Additionally, Dr. Schultz moved that Ms. G. Mitchell and Ms. A. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 4:20 P.M.

Dr. Schultz moved that the Informal Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved to offer Erica Fowler a consent order for indefinite suspension of her practical nursing license.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Fowler and the Board.

ADJOURNMENT:

The Board adjourned at 4:25 P.M.

Gloria Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
December 10, 2009**

TIME AND PLACE: The meeting of the Informal Conference Committee of the Board of Nursing was convened at 9:05 A.M., on December 10, 2009, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Brenda Hale, R.N., Chairperson
Karen Schultz, M.B.A., Ph.D., Citizen Member

STAFF PRESENT: Gloria Mitchell, R.N., M.S.N., M.B.A. Deputy Executive Director

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Ms. Hale moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:55 A.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Hale moved Ms. Kleiner attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 12:35 P.M.

Ms. Hale moved that the Special Conference Committee of the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Investigative reports regarding three registered nurses and six licensed practical nurses were reviewed.

ACTION: Dr. Schultz moved to close two of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations. The motion was seconded and approved unanimously.

Dr. Schultz moved to close one of the above cases undetermined at this time.
The motion was seconded and carried unanimously.

Dr. Schultz moved to offer four of the above individuals a pre-hearing consent order in lieu of further administrative proceedings. The motion was seconded and carried unanimously.

Dr. Schultz moved to offer confidential consent agreements to one of the above individuals in lieu of initiating disciplinary proceedings.
The motion was seconded and carried unanimously.

ADJOURNMENT: The Committee adjourned at 12:35 P.M.

Linda Kleiner, R.N.
Discipline Case Manager